AMENDMENTS TO THE CLAIMS

Please amend the claims as indicated below. The language being added is underlined ("__") and the language being deleted contains a strikethrough ("—").

LISTING OF CLAIMS

1. (Canceled)

2. (Currently Amended) ~~The method of claim 1~~ <u>A method for selecting a spectral mask for use with a DSL system, the method comprising:</u>

<u>obtaining a weighted ratio of upstream rates and downstream rates;</u>

<u>determining whether a cost function, based in part upon the weighted ratio, is greater than a predetermined value,</u> wherein determining whether a cost function is greater than a predetermined value further comprises: determining a cost function according to the relation: cost function=2*(dsrate(2)-dsrate(1))- /dsrate(1)+(usrate(2)-usrate(1))/usrate(1), wherein dsrate(1) is the downstream rate of a first mask, dsrate(2) is the downstream rate of a second mask, usrate(1) is the upstream rate of the first mask and usrate(2) is the upstream rate of the second mask<u>; and</u>

<u>selecting a spectral mask based in part upon the determination of whether the cost function is greater than a predetermined value</u>.

3. (Canceled)

4. (Currently amended) The method of claim 2 wherein the predetermined value is zero and wherein, if the cost function is greater than zero, the second mask is selected ~~selceted~~.

5. (Original) The method of claim 2 wherein the f is a frequency band in kHz and the upstream value of the first mask is given by the following relations for U1 in dBm/Hz:

for $0 \le f < 4$, then $U1=-101.5$;

for $4 < f < 25.875$, then $U1=-96+23.4*\log_2(f/4)$;

for $25.875 \le f < 60.375$, then $U1=-32.9$;

for $60.375 \le f < 686$, then $U1=\max\{-32.9-95\times\log_2(f/60.38), 10\times\log10[0.05683\times (f\times 10^3)^{-1.5}]-3.5\}-$;

for $686 \le f < 1411$, then $U=-103.5$;

for $1411 \le f < 1630$, then U1=-103.5 peak, -113.5 average in any [f, f+1 MHz] window; and

for $1630 \le f < 12000$, then U1=-103.5 peak, -115.5 average in any [f, f+1 MHz] window.

6. (Original) The method of claim 2 wherein the f is a frequency band in kHz and the downstream value of the first mask is given by the following relations for D1 in dBm/Hz:

for $0 \le f < 4$, then $D1=-101$;

for $4 \le f < 25.875$, then $D1=-96+20.79*\log_2(f/4)$;

for $25.875 \le f < 91$, then $D1=-40$;

for 91≤f<99.2, then D1=-44;

for 99.2≤f<138, then D1=-52; for 138.ltoreq.f<353.625, then D1=-40.2+0.0148*(f-138);

for 353.625≤f<552, then D1=-37;

for 552≤f<1012, then D1=-37-36*$\log_2$(f/552);

for 1012≤f<1800, then D1=-68.5;

for 1800≤f<2290, then D1=-68.5-72*$\log_2$(f/1800);

for 2290≤f<3093, then D1=-93.500;

for 3093≤f<4545, then D1=-93.5 peak, average -40-36*$\log_2$(f/1104) in any [f, f+1 MHz] window; and

for 4545≤f<12000, then D1=-93.5 peak, average -113.500 in any [f, f+1 MHz] window.

7. (Original) The method of claim 2 wherein the f is a frequency band in kHz and the upstream value of the second mask is given by the following relations for U2 in dBm/Hz:

for 0≤f<4, then U2=-101.5;

for 4≤f<25.875, then U2=-96+21.5×$\log_2$(f/4);

for 25.875≤f<103.5, then U2=-36.4;

for 103.5≤f<686, then U2=max{-36.3-95×$\log_2$(f/103.5), 10×log10[0.05683×(f-×$10^3)^{-1.5}$]-3.5};

for 686≤5f<1411, then U2=-103.5;

for 1411≤f<1630, then U2=-103.5 peak, -113.5 average in any [f, f+1 MHz] window; and

for 1630≤f<12000, then U2=-103.5 peak, -115.5 average in any [f, f+1 MHz] window.

8. (Original) The method of claim 2 wherein the f is a frequency band in kHz and the downstream value of the second mask is given by the following relations for D2 in dBm/Hz:

for 0≤f<4, then D2=-101.5;

for 4≤f<80, then D2=-96+4.63*$\log_2$(f/4);

for 80≤f<138, then D2=-76+36*$\log_2$(f/80);

for 138≤f<276.000; then D2=-42.95+0.0214*f;

for 276≤f<552.000; then D2=-37;

for 552≤f<1012, then D2=-37-36*$\log_2$(f/552);

for 1012≤f<1800, then D2=-68.5;

for 1800≤f<2290, then D2=-68.5-72*$\log_2$(f/1800);

for 2290≤f<3093, then D2=-93.5;

for 3093≤f<4545, then D2=-93.5 peak, average -40-36*$\log_2$(f/1104) in any [f, f+1 MHz] window; and

for 4545≤f<12000, then D2--93.5 peak, average -113.500 in any [f, f+1 MHz] window.